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OF

EDWARD H. KUBO, JR. 2499
 United States Attorney
 District of Hawaii

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

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JAN 23 2004
 at 3 o'clock and 44 min. 1 M.
 WALTER A.Y.H. CHINN, CLERK

LODGED

JAN 26 2004 *abw*

**CLERK, U. S. DISTRICT COURT
 DISTRICT OF HAWAII**

Attorneys for Plaintiff
 UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 03-00501 SOM
)
Plaintiff,) UNITED STATES' MOTION TO
) DISMISS COUNT 2 OF INDICTMENT
vs.) AND ORDER; CERTIFICATE OF
) SERVICE
MICHAEL TORRES JAIMES,)
)
Defendant.)
)

UNITED STATES' MOTION TO
 DISMISS COUNT 2 OF INDICTMENT

The United States, through the United States Attorney's Office, move the Court to dismiss Count 2 of the Indictment. The Jury was unable to reach a verdict on Count 2 and the Court granted the defendant's motion to declare a mistrial. The United States submits Count 2 should be dismissed in the interests of justice.

DATED: January 26, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By T. Muehleck
THOMAS MUEHLECK
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 03-00501 SOM
)
Plaintiff,) ORDER
)
vs.)
MICHAEL TORRES JAIMES,)
)
Defendant.)
_____)

ORDER

Considering the Motion of the United States, Count 2 of
the Indictment is DISMISSED.

SO ORDERED this 28th day of January 2003, at
Honolulu, Hawaii.

Susan Oki Mollway

SUSAN OKI MOLLWAY

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following person:

1. Pamela O'Leary Tower, Esq. MAILED
1001 Bishop St., Suite 1330
Honolulu, HI 96813

Counsel for defendant
Michael Torres Jaimes

2. U.S. Probation Office
300 Ala Moana Blvd.,
Honolulu, HI 96850

DATED: January 26, 2004, at Honolulu, Hawaii.

Ronney A. Kay

See revisions
made by court